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3 **UNITED STATES DISTRICT COURT**
4 **DISTRICT OF NEVADA**

5 UNITED STATES OF AMERICA,

6 Plaintiff,

7 vs.

8 JASON HINES,

9 Defendant.

Case No. 2:18-cr-00307-APG-NJK

ORDER

(Docket No. 14)

10 Pending before the Court is Defendant Jason Hines' motion for return of property. Docket
11 No. 14. The Court has considered Defendant's motion and the United States' response. Docket
12 Nos. 14, 15. No reply was filed. *See* Docket.

13 Defendant submits that a search warrant was executed on September 13, 2018. Docket No.
14 14 at 1. He asks the Court to order the return of all property seized during the execution of the
15 warrant, especially his cell phones. *Id.* at 2-3.

16 In response, the United States agrees that federal agent executed a search warrant at
17 Defendant's residence on September 13, 2018. Docket No. 15 at 1. The United States submits
18 that the warrant was lawfully issued following an investigation regarding the illegal selling of
19 firearms by Defendant, and authorized the seizure of, *inter alia*, firearms and cell phones. *Id.* at
20 1-2. The United States submits that, pursuant to the search warrant, agents seized over 80 firearms
21 and four cell phones. *Id.* at 2. The United States further submits that the firearms and cell phones
22 are necessary evidence in the instant case. *Id.*
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1 In the intervening time since Defendant filed his motion, a federal grand jury sitting in Las
2 Vegas, Nevada has issued an indictment charging him with six illegal firearms counts. Docket
3 No. 1.

4 Federal Rule of Criminal Procedure 41(g) states, in relevant part, that a person “aggrieved
5 by an unlawful search and seizure of property ... may move for the property's return.” Rule 41(g)
6 motions may be made at any time following a search and seizure. Generally, a Rule 41(g) motion
7 is properly denied “if the defendant is not entitled to lawful possession of the seized property, the
8 property is contraband or subject to forfeiture or the government's need for the property as evidence
9 continues.” *United States v. Van Cauwenberghe*, 934 F.2d 1048, 1061 (9th Cir.1991). Here, the
10 United States submits, and it is reasonable to believe, that the firearms and cell phones are
11 necessary for evidentiary reasons in the instant case.

12 Accordingly, Defendant’s motion for return of property, Docket No. 14, is **DENIED**.

13 IT IS SO ORDERED.

14 DATED: November 29, 2018.

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17 NANCY J. KOPPE
18 UNITED STATES MAGISTRATE JUDGE
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